

By Hudson
Introduced 1-16-18
EH. 1-24-18

ADOPTED
METROPOLITAN COUNCIL

JAN 24 2018

Cheryl Bel
COUNCIL ADMINISTRATOR TREASURER

18-00040

ORDINANCE 16723

AMENDING THE CODE OF ORDINANCES OF THE CITY OF BATON ROUGE AND PARISH OF EAST BATON ROUGE, TITLE 13 (CRIMINAL LAW), SECTION 13:1062 SO AS TO ADD A REQUIREMENT FOR PROOF OF IDENTITY, AND TITLE 9 (LICENSING AND REGULATION OF TRADES AND OCCUPATIONS) SO AS TO ADD CHAPTER 23 (HOTEL AND MOTEL REGISTRATION), RELATIVE TO DETERRING DRUG AND PROSTITUTION RELATED CRIMINAL ACTIVITY BY CREATING THE REQUIREMENT OF A HOTEL AND MOTEL PERMIT; TO ENSURE THE HEALTH, SAFETY AND WELFARE OF RESIDENTS AND VISITORS TO THE CITY AND PARISH.

BE IT ORDAINED by the Metropolitan Council of the City of Baton Rouge and the Parish of East Baton Rouge that:

Section 1. Title 13, Section 13:1062 of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby amended as follows:

"Section 13:1062 Hotel and motel rentals.

A. Every owner, manager or operator of any hotel or motel shall keep a register in which shall be entered the name and address of each guest. The register shall also indicate the day, month, year and hour of arrival of each guest and the number or other identifying symbol of location of the room, dwelling unit or space rented or assigned each guest and the date that such guest departs. All such registers shall be maintained for a period of three years from and after the date of entry. No person shall alter, deface or erase such a register so as to make the information recorded therein illegible or unintelligible. Hotel/motel operators shall require every registrant to provide evidence of identity through at least one (1) of the following methods:

1. Pre-approved identification system;
2. Credit card payment;
3. Government-issued identification which contains the registrant's following information:
 - a. Full name;
 - b. Date of birth;
 - c. Residence address; and,
 - d. Photograph of the registrant; or

4. Contracted guest list provided through an outside business organization.

B. No owner, manager, operator, employee or agent of any hotel or motel shall rent or assign any room, dwelling unit or space in said hotel or motel to any person until such time as the person shall have registered as set forth in subsection A of this section.

C. No owner, manager, operator, employee or agent of any hotel or motel shall rent any guest room or dwelling unit in such hotel or motel more than once within an eighteen hour period. Under no circumstances shall any room be rented on an hourly basis or for an hourly rate.

D. Any person convicted of violating the provisions of this section, shall be fined in accordance with the following schedule:

1. Hotels/Motels maintaining 4-89 rooms available for occupancy shall be fined \$500.00.

2. Hotels/Motels maintaining 90-149 rooms available for occupancy shall be fined \$750.00.

3. Hotels/Motels maintaining 150 or more rooms available for occupancy shall be fined \$1,000.00."

Section 2. Title 9 of the Code of Ordinances of the City of Baton Rouge and Parish of East Baton Rouge is hereby amended to add Chapter 23 as follows:

"CHAPTER 23. - HOTELS AND MOTELS
Section 9:1250 Hotel and motel registration.

A. No hotel and motel business establishment shall engage in the business of rental of hotel and motel rooms and facilities without first filing application, initial or renewal, with the Department of Development - Permit & Inspection Division and obtaining a Hotel/Motel permit from Department of Development - Permit & Inspection Division to engage in such business.

B. Such Hotel/Motel permit may not be transferred. If a change of owner/operator occurs at an existing hotel/motel, the new owner/operator shall apply for a permit to operate within ten (10) business days of opening.

C. The requirements for the Hotel/ Motel permit herein provided are requirements separate and apart from and in addition to the license requirements for the East Baton Rouge Parish occupational license tax and the requirement for a Certificate of Occupancy.

D. Any owner or operator required to obtain a hotel/motel permit shall submit an application along with a nonrefundable fee of \$100.00 per existing hotel/motel to be paid to the Department of Development - Permit & Inspection Division. The application and all supporting documents shall be retained by the Department of Development - Permit & Inspection Division. All applications shall include:

1. The name of the applicant and trade name, if any, of the business; the name of the corporation and the name and address of its agent for service;
2. The business name, address, and phone number of the hotel/motel, and the emergency contact number phone information for the hotel/motel;
3. The number of rental units in each establishment;
4. Proof of liability insurance, if applicable, including the carrier, policy number, agent's name, address and phone number or a statement of self-insurance in a form acceptable to the City-Parish Division of Risk Management;
5. Date of proposed commencement of operation, if initial application.

E. Department of Development - Permit & Inspection Division shall issue the Hotel/Motel a notice of approval or disapproval of the application within sixty (60) days of receipt and review of the completed application and the application fee.

F. Any Hotel/Motel permit issued by the Department of Development - Permit & Inspection Division shall be conspicuously displayed in the office or lobby of the hotel/motel establishment.

G. Hotels/motels alleged to be in violation of this ordinance shall receive notice to appear before an administrative court hearing officer pursuant to the process set forth in Title 1, Chapter 4, Part II, section 1:609 of the Code of Ordinances.

H. The Hotel/Motel permit shall be subject to suspension or revocation by the Department of

Development - Permit & Inspection Division following the notice and opportunity to be heard, upon good cause shown that the operation of the hotel/motel is such that it is or has negatively impacted the health, safety and/or welfare of its guests or the residents or business of the neighboring community by any of the following:

1. Three (3) or more felony drug-related independent incidents resulting in arrests where the offense occurred on hotel/motel property by a guest in a period of ninety (90) days, except when the arrest is the result of notification to and/or in direct cooperation with law enforcement by hotel/motel management;
2. Three (3) or more prostitution-related independent incidents resulting in arrests where the offense occurred on hotel/motel property by a guest in a period of ninety (90) days except when the arrest is the result of notification to and/or in direct cooperation with law enforcement by hotel/motel management;
3. Five (5) or more verified calls for service in a period of thirty (30) days when the following activities occur on the hotel/motel's property: illegal felony drug activity, prostitution, or violent felony crimes, except when the arrest is the result of notification to and/or in direct cooperation with law enforcement by hotel/motel management.

I. Calls For Service shall mean any and all calls, including, but not limited to any law enforcement agency that result in a request that a representative be dispatched or directed to the hotel/motel when those responses:

1. Allege evidence of criminal activity, or
2. Result in an arrest, charge or citation.

J. Whenever a Hotel/Motel permit has been revoked pursuant to the provisions of this Section, the owner or operator of the hotel/motel for which the Hotel/Motel permit was issued shall surrender the permit to the Parish forthwith. The hotel/motel operator shall cease operation within seventy-two (72) hours of the issuance of the notice of revocation of the Hotel/Motel permit. For purposes of this ordinance, the requirement to "cease operation" means that all rooms available for lodging shall be and remain unoccupied. Any owner or operator of a hotel/motel whose permit is

revoked pursuant to this section shall reapply for a new permit in accordance with Section D in order to resume operation.

K. Any person deemed in violation of the provisions of this section, shall be fined in accordance with the following schedule:

1. Hotels/Motels maintaining 4-89 rooms available for occupancy shall be fined \$500.00.
2. Hotels/Motels maintaining 90-149 rooms available for occupancy shall be fined \$750.00.
3. Hotels/Motels maintaining 150 or more rooms available for occupancy shall be fined \$1,000.00.

Each day on which a hotel or motel operates without a valid Hotel/Motel permit shall be considered a separate offense for purposes of this section."

Section 3. This ordinance shall be effective 180 days following adoption by the Metropolitan Council.

Section 4. The provisions of this ordinance are declared to be separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section or portion of this ordinance, or the invalidity of the application thereof to any person or circumstance shall not affect the validity of the remainder of this ordinance or the validity of its application to other persons or circumstances.

In accordance with Section 2.15 of Chapter 2 of the Plan Of Government, I certify this to be the original ordinance adopted by the Metropolitan Council at a Regular meeting on January 29, 2018
Council Administrator.

APPROVED: [Signature] DISAPPROVED: _____
Mayor - President Mayor - President
Received from the Mayor - President on the 6
day of April, 2018
[Signature]
Council Administrator.